

REMARKS

The examiner is thanked for the performance of a thorough search.

By this amendment, Claims 32, 37, 44, 51, and 58 are amended, and no claims are added or canceled. Hence, Claims 32-62 are pending in the application.

The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art.

Each issue raised in the Office Action mailed March 20, 2008 is addressed hereinafter.

I. SUMMARY OF THE TELEPHONE INTERVIEW

The Examiner is thanked for the telephone interview held on May 6, 2008. In the interview, Applicants' representatives agreed to remove the "can" language from the claims. Applicants' representatives pointed out the differences between Claim 1 and the cited references, particularly the *Brodkorb* reference. The Examiner indicated that arguments, in this response, pertaining to those differences, will most likely result in a withdrawal of the current 35 U.S.C. § 103(a) rejection.

II. ISSUES NOT RELATING TO THE CITED ART

A. SPECIFICATION

The Office Action requests, on page 2, that the specification be updated to include the U.S. application serial number of the referenced co-pending application. It is respectfully noted that the Preliminary Amendment filed on April 13, 2004 corrected that informality.

B. CLAIM INTERPRETATION

The Office Action states, on page 2, that the limitation “first module can provide and use at least one API” in Claims 32, 37, 44, 51, and 58 is not given any patentable weight. Claims 32, 37, 44, 51, and 58 now recite that the “first module provides and uses at least one API” (emphasis added).

III. ISSUES RELATING TO THE CITED ART

Claims 32-62 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Publication No. 2005/0081184 to Deedwaniya et al. (“*Deedwaniya*”) in view of U.S. Patent Publication No. 2003/0212990 to Brodkorb et al. (“*Brodkorb*”). This rejection is respectfully traversed.

A. CLAIM 32

Claim 32 recites:

A method of a build environment for packaged software delivery in a distributed network of nodes, the method comprising the computer-implemented steps of:
 the build environment compiling source code files into one or more executable file modules;
 wherein each of the one or more modules contains an image for a process or a dynamically linked library (DLL);
 the build environment creating a software package that comprises the one or more modules, wherein the software package is delivered to the nodes in the distributed network;
 wherein the software package is created based on at least one of a feature, characteristic, or purpose;
 the build environment creating metadata for a first module, of the one or more modules, that includes any module information such as the first module's: binary signature, name, directory path, and characteristics, wherein the first module provide and uses at least one gathering application program interface (API);
 the build environment API dependency information for the first module-by
 (a) receiving a list of dependent modules for a given process or DLL of the first module;
 (b) storing, in the metadata of the first module, dependency information for the dependent modules in the list, wherein the

- dependency information includes API names and versions that the process or DLL depends on;
- (c) collecting additional dependency information from one or more module specifications that are separate from the list of dependent modules, wherein the additional dependency information includes API names and versions that the process or DLL depends on; and
 - (d) storing the additional dependency information in the metadata of the first module; and
- the build environment inserting the metadata of the first module into the software package.

At least the above-bolded features of Claim 32 are not taught or suggested by *Deedwaniya* and *Brodkorb*, either individually or in combination.

On pages 4-5, the Office Action concedes that *Deewaniya* does not teach that a build environment gathers API dependency information by steps (a)-(d). The Office Action later cites *Brodkorb* for disclosing a build environment that performs steps (a)-(d) by citing the Software Delivery Manager (SDM) of *Brodkorb*. This is incorrect. The SDM, and indeed the entire *Brodkorb* reference, is concerned primarily with software delivery, not software packaging. The Office Action cites portions of *Brodkorb* that refer to a supplementary manifest of a software delivery archive (SDA). However, the SDM does not generate a SDA. Rather, a SDA is merely received from a development system (paragraph 24). Therefore, none of the contents of the SDA originate from the SDM, as the Office Action alleges.

Additionally, *Deedwaniya* fails to even refer to APIs. Thus, *Deedwaniya* fails to teach or suggest a build environment gathering API dependency information. With respect to *Brodkorb*, the references to API therein are completely unrelated to gathering API dependency information, much less gathering API dependency information for a module that is part of a software package. Instead, Fundamentally, the combination of *Deedwaniya* and *Brodkorb* fails to teach or suggest that a build environment performs each of the steps recited in Claim 32.

Based on the foregoing, *Deedwaniya* and *Brodkorb* fail to teach or suggest, both individually and in combination, all the features of Claim 32. Therefore, Claim 32 is patentable over *Deedwaniya* and *Brodkorb*. Reconsideration and withdrawal of the rejection of Claim 32 under 35 U.S.C. § 103(a) is therefore respectfully requested.

B. CLAIMS 37, 44, 51, 58

Claims 37, 44, 51, and 58 are independent claims that include some of the same features discussed above with respect to Claim 32. For example, Claims 37, 44, 51, and 58 recite that (a) a build environment performs the recited steps and that version information of APIs upon which a module depends are stored in metadata of the module that is inserted into a software package. Therefore, Claims 37, 44, 51, and 58 are patentable over *Deedwaniya* and *Brodkorb* for some of the same reasons given above for Claim 32. Reconsideration and withdrawal of the rejection of Claims 37, 44, 51, and 58 under 35 U.S.C. § 103(a) is therefore respectfully submitted.

C. DEPENDENT CLAIMS

Each of Claims 33-36, 38-43, 45-50, 52-57, and 59-62 is dependent upon one of the independent claims discussed above. By dependency, each of Claims 33-36, 38-43, 45-50, 52-57, and 59-62 includes some of the same features discussed above with respect to the independent claim upon which it depends. Therefore, each of Claims 33-36, 38-43, 45-50, 52-57, and 59-62 is patentable over *Deedwaniya* and *Brodkorb* for the same reasons discussed above for the claim upon which it depends. Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection with respect to Claims 33-36, 38-43, 45-50, 52-57, and 59-62 is therefore respectfully submitted.

IV. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by telephone relating to any issue that would advance examination of the present application.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

Dated: May 7, 2008

/DanielDLedesma#57181/
Daniel D. Ledesma
Reg. No. 57,181

2055 Gateway Place Suite 550
San Jose, California 95110-1083
Telephone No.: (408) 414-1080 ext. 229
Facsimile No.: (408) 414-1076